

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
LAWRENCE E. MASON • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN • Director

October 26, 2001

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Dear Captain Merriman:

Re: J.S.I.D. File # 100-8804/00-0707
L.A.S.D. File # 000-18019-0524-011

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review and investigation of the December 14, 2000 fatal shooting of Vaios Retzepis by Los Angeles County Sheriff's Deputies Jennifer Thrall and Robert Payne. We have concluded that Deputies Thrall and Payne acted lawfully in self-defense and in the defense of others.

The following analysis is based on Los Angeles County Sheriff's Department Homicide Bureau reports of the incident totaling 133 pages, an examination of crime scene and autopsy photographs related to the shooting, the statements of witnesses at the scene, and our own Bureau of Investigation reports.

The District Attorney's Command Center was notified of this incident on December 14, 2000, at 4:38 a.m. Deputy District Attorney John Gilligan and District Attorney Senior Investigator [redacted] responded immediately to the scene at [redacted] in [redacted] Upon our arrival we were briefed by Los Angeles Sheriff's Sergeant Gib Anderson and given a "walk-through" of the crime scene.

FACTUAL ANALYSIS

At approximately 1:00 a.m. on December14, 2000, [redacted] was at his residence at [redacted] in [redacted] watching television with his [redacted] He heard his dog barking in the backyard and went to see what was wrong. While in the yard he saw Vaios Retzepis climbing over the driveway gate. [redacted] observed a large knife in Retzepis's right hand. [redacted] had been [redacted] with Retzepis for years although Retzepis had recently threatened him. As Retzepis walked towards [redacted] he stated,

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210 West Temple Street
Los Angeles, CA 90012-3210



"Are you ready to die?" [redacted] did not believe that Retzepis was serious and was very surprised when Retzepis stabbed him in the abdomen. Retzepis then walked away.

Mr. [redacted] staggered back into his house and collapsed. His [redacted] called 911. An ambulance and deputies from the Sheriff's Temple station were dispatched to Mr. [redacted] residence. The injuries were found to be life threatening and Mr. [redacted] was taken to the hospital. Mr. [redacted] was asked why Retzepis would do this to him. His response was " I don't know why, he is just crazy!"

Los Angeles County Sheriff's Deputies Jennifer Thrall and Robert Payne responded to the assault with a deadly weapon radio call at [redacted] The two deputies were assigned to Temple Station patrol and were in full uniform in a marked black and white Sheriff's patrol vehicle. Thrall and Payne arrived at the location and obtained the first name and a description of Retzepis. They then got into their radio car and drove around the neighborhood looking for him. As they drove, Deputy Payne realized that they had not secured the crime scene. He then drove back towards the Kauffman address. While en route they saw a white pick-up truck also heading towards the original crime scene at a high rate of speed.

The truck parked in front of [redacted] just [redacted] of the original crime scene. The driver of the truck, Vaios Retzepis, got out and began walking towards Deputy Payne while holding a large knife above his head in his right hand.

As Retzepis drew closer both deputies yelled at him to stop and to drop the knife. Retzepis kept coming, forcing Deputy Payne back from behind the driver side door to the rear of his vehicle. Deputy Thrall was behind the passenger door. Deputy Payne told Retzepis, "Don't come any closer or I am going to shoot you." Retzepis continued to advance, coming within a few feet of Deputy Payne. Both deputies independently made decisions to fire. Deputy Thrall fired three rounds while Deputy Payne fired twice.

Retzepis fell to the ground. The deputies did not immediately approach Retzepis as he was still moving about and the knife was in the street right next to him. Thrall and Payne called for an ambulance and for assistance. Los Angeles Sheriff's Sergeant [redacted] then arrived at the scene. She observed Retzepis laying in the street in a fetal position, breathing heavily. She said she could not see clearly whether the suspect was holding the knife or if it was just next to him. Sergeant [redacted] fired a stunbag shotgun three times to try to knock the knife away from Retzepis. All three rounds missed. Sergeant [redacted] then gave the stunbag shotgun to Deputy [redacted] who fired the stunbag shotgun once, sending the knife skidding down the street. Mr. Retzepis was then handcuffed and taken to County-USC Medical Center where he underwent surgery. Mr. Retzepis was pronounced dead on December 14, 2000 at 3:58 p.m.

An autopsy was performed on the body of Mr. Retzepis on December 15, 2000 by Los Angeles County Deputy Medical Examiner Stephen Sholtz. District Attorney Senior Investigator [redacted] was present at the autopsy. The cause of death was

determined to be multiple gunshot wounds. The autopsy noted two fatal gunshot wounds to the left chest, and one gunshot wound to the upper left thigh. There was no evidence of soot or stippling around any of the wounds. Ballistics tests by the Sheriff's crime lab proved that deputies Payne and Thrall each fired one round that resulted in a fatal chest wound.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right to use self-defense actually and reasonably believed (1) that he or she, or the person that he or she was defending, was in imminent danger of death or great bodily injury; and (2) that it was necessary under the circumstances to use deadly force to avoid such imminent death or great bodily injury.

Both deputies actions in this case were justifiable under the law. When Deputy Thrall fired at Mr. Retzepis she was acting to defend the life of Deputy Payne. Payne had retreated to the point where he would no longer have any portion of the patrol vehicle between himself and a knife wielding assailant. Deputy Payne fired only when deadly force was clearly necessary to avoid being stabbed.

From the information presented to this office by the Los Angeles County Sheriff's Department and our investigation, the evidence establishes that deputies Payne and Thrall acted reasonably and lawfully. Based on this conclusion, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JOHN FRANCIS GILLIGAN
Assistant Head Deputy
(213) 974-7435

c: Deputy Jennifer Thrall #[redacted]
Deputy Robert Payne #[redacted]